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*Sector 5*

Our Docket No: 42390P12320

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Monte Rhoads

Application No.: 09/967,032

Filed: September 28, 2001

For: POWER MANAGEMENT SYSTEM TO SELECT  
A POWER STATE FOR A NETWORK  
COMPUTER SYSTEM BASED ON LOAD

Examiner: Not yet assigned

Art Unit: Not yet assigned

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION  
(FILING DATE GRANTED)

Assistant Commissioner for Patents  
Box Missing Parts  
Washington, D.C. 20231

Sir:

DATE OF MAILING  
37 C.F.R. § 1.8 (a)(1)  
hereby certify that this correspondence is  
being sent by first class mail  
and is addressed to the Assistant Commissioner,  
Washington, D.C. 20231.  
*December 31, 2001*  
Date of Deposit  
*Krista Matheson*  
Name of Person Mailing Correspondence  
*Krista Matheson*  
Signature  
*12/31/01*  
Date

In response to the Notice to File Missing parts of Application (Filing Date Granted) mailed October 29,  
2001, please find enclosed:

- (1) a duly executed Declaration and Power of Attorney with respect to the above-referenced patent application;
- (2) a check in the amount of \$130.00 in payment of the surcharge of 37 C.F.R. § 1.16(e);
- (3) a copy of the Notice to File Missing Parts of Application.

If any additional fee is required, please charge Deposit Account No. 02-2666. A duplicate of this Response is enclosed for deposit account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 12-31-01

*Brent E. Vecchia*  
Brent E. Vecchia  
Reg. No. 48,011

12400 Wilshire Blvd., 7th Floor  
Los Angeles, California 90025-1026  
(303) 740-1980

Docket No.: 42390P12320  
Application No.: 09/967,032



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/967,032	09/28/2001	Monte J. Rhoads	42390P12320

CONFIRMATION NO. 4834

## FORMALITIES LETTER



\*OC000000006991095\*

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025-1026

Date Mailed: 10/29/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

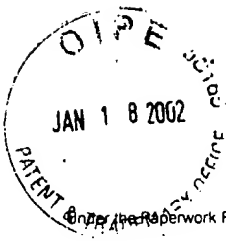
An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



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PTO/SB/17(09-00)

Approved for use through 10/31/2002. OMB 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## FEE TRANSMITTAL FOR FY 2002

TOTAL AMOUNT OF PAYMENT (\$) \$ 130.00

### Complete if Known:

Application No. 09/967,032  
Filing Date September 28, 2001  
First Named Inventor Monte Rhoads  
Group Art Unit Not Yet Assigned  
Examiner Name Not Yet Assigned  
Attorney Docket No. 42390P12320

### METHOD OF PAYMENT (check one)

1. ☒ [ X ] The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number 02-2666  
Deposit Account Name \_\_\_\_\_

- ☒ [ X ] Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 (37 C.F.R. § 1.8 (a))

FIRST CLASS CERTIFICATE OF MAILING

I hereby certify that this correspondence is being sent by First Class Mail with the United States Postal Service as first class mail in an envelope addressed to the Assistant Commissioner, Patent and Trademark Office, Washington, DC 20231.

2. ☒ X Payment Enclosed:  
☒ X Check  
\_\_\_\_\_ Money Order  
\_\_\_\_\_ Other

Date of Deposit

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
101	740	201	370	Utility application filing fee	_____
106	330	206	165	Design application filing fee	_____
107	510	207	255	Plant filing fee	_____
108	740	208	370	Reissue filing fee	_____
114	160	214	80	Provisional application filing fee	_____
SUBTOTAL (1)					<u>\$ 0.00</u>

Name of Person Mailing Correspondence

Signature

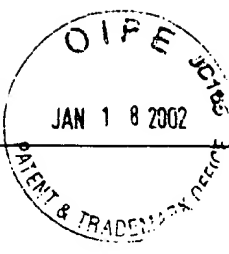
#### 2. EXTRA CLAIM FEES

		Extra Claims	Fee from below	Fee Paid
Total Claims	_____	- 20** = _____	X _____	= _____
Independent Claims	_____	- 3** = _____	X _____	= _____
Multiple Dependent	_____		_____	= _____

\*\*Or number previously paid, if greater; For Reissues, see below.

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	**R issu ind pend nt claims over original patent
110	18	210	9	**R issu claims in xc ss of 20 and ov r original pat nt

SUBTOTAL (2) \$ 0.00



Handwritten mark resembling a stylized 'A' or '6'.

**FEE CALCULATION (continued)**

**3. ADDITIONAL FEES**

Larg Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	\$130.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex-parte reexamination	
099	8,800	099	8,800	Request for inter partes reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for response within first month	
116	400	216	200	Extension for response within second month	
117	920	217	460	Extension for response within third month	
118	1,440	218	720	Extension for response within fourth month	
128	1,960	228	980	Extension for response within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive unavavoidably abandoned application or unavavoidably delayed payment of issue fee	
141	1,280	241	640	Petition to revive unintentionally abandoned application or unintentionally delayed payment of issue fee	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	For filing a submission after final rejection (see 37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (see 37 CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
Other fee (specify) _____					

**SUBTOTAL (3) \$ 130.00**

\*Reduced by Basic Filing Fee Paid

**SUBMITTED BY:**

Typed or Printed Name: Brent E. Vecchia  
Signature: Brent E Vecchia      Dat : 12-31-01  
Reg. Number: 48,011      Telephone Number: 303-740-1980